

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CRIMINAL NO. 13-10200-GAO

UNITED STATES OF AMERICA

v.

DZHOKHAR A. TSARNAEV,
Defendant.

ORDER
[UNDER SEAL]
May 1, 2015

O'TOOLE, D.J.

The defendant's Motion to Seal Emergency Motion to Accommodate Defense Preparation of Foreign Witnesses is GRANTED as it reveals details of the security measures currently implemented to guard and to protect foreign defense witnesses and public disclosure is likely to be disruptive to the defendant's ability to call witnesses on his behalf.

The Emergency Motion to Accommodate Defense Preparation of Foreign Witnesses (dkt. no. 1373-1) is DENIED.¹ The foreign witnesses are in the United States under special conditions and it is not unreasonable for the Federal Bureau of Investigation and related agencies to implement certain constraints on them while they are in the country. Visiting the foreign witnesses, who were scheduled to be examined on April 30, in their temporary place of abode is not an excessive burden on defense counsel.

It is so ORDERED.

/s/ George A. O'Toole, Jr.
United States District Judge

¹ Given the late hour of the defendant's filing (late Friday afternoon), the Court finds it impracticable to wait for a response from the government because the relief requested by the defendant would occur during the weekend and would require what is likely significant logistical planning by the FBI. However, because the government rejected the same requests from the defendant, the Court infers that it similarly would oppose the defendant's motion.